

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
(E-Filed: August 20, 2007)

SANFORD H. ALPER,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 99-521V
	)	<b>UNPUBLISHED</b>
SECRETARY OF THE DEPARTMENT OF	)	Attorney's Fees
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

**ORDER AND DECISION**<sup>1</sup>

Petitioner, Sanford H. Alper, timely filed a claim for compensation pursuant to the National Vaccine Injury Compensation Program<sup>2</sup> (the Act or the Program). Petitioner's claim was resolved thorough the stipulation of the parties in an unpublished Decision dated June 8, 2007.

On July 3, 2007, petitioner filed Petitioner's Petition for Reimbursement of Attorneys' Fees & Costs ("Fee Pet.") requesting \$22,358.50 for attorneys' fees and costs

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<sup>1</sup> Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless an issued decision contains trade secrets or commercial or financial information that is privileged or confidential, or the decision contains medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days after the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document's public disclosure.

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

borne by petitioner's counsel, and \$120.00 for costs borne by petitioner. See Fee Pet., filed July 3, 2007, at 2. Petitioner requested \$12,000.00 for his current attorney of record, David Terzian, Esq. (Mr. Terzian). See Fee Pet. at 2. He requested \$10,358.50 for his original counsel, Shoemaker & Associates. See Fee Pet. at 2. He attested that he incurred \$120.00 in personal expenses as defined by General Order No. 9. See Fee Pet. at 2.

On Thursday, July 5, 2007, petitioner's counsel contacted the court by telephone, and indicated that he was authorized to represent that respondent stated that she had no objection to petitioner's fee request.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's request and on respondent's counsel's lack of objection to petitioner's counsel's amended fee request, the undersigned **GRANTS** Petitioner's Petition for Reimbursement of Attorneys' Fees and Costs filed on July 3, 2007.

The undersigned awards petitioner \$22,478.50 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$22,478.50 in attorneys' fees and attorneys' costs and petitioner's costs.<sup>3</sup> The judgment shall reflect that the Shoemaker & Associates firm may collect \$10,358.50 from petitioner. See Fee Pet. at 2. In addition, the judgment shall reflect that Mr. Terzian may collect \$12,000.00 from petitioner. Id. Finally, the judgment shall reflect that petitioner may retain \$120.00 for his out-of-pocket expenses. Id.

The clerk of the court shall send a courtesy copy of this decision to:

Mr. Clifford Shoemaker  
Shoemaker and Associates  
9711 Meadowlark Road  
Vienna, VA 22182-1951

**IT IS SO ORDERED.**

s/Patricia Campbell-Smith  
Patricia E. Campbell-Smith  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.